

REMARKS

This Amendment is being filed in response to the Office Action mailed September 17, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 remain in the Application, where claim 1 is independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to the drawings.

By means of the present amendment, claims 1-13 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-13 were not made in order to address issues of

PATENT

Serial No. 10/573,740

Amendment in Reply to Office Action of September 17, 2008

patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claim 1, 5-7 and 11 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. EP 0 375 011 (Emmelkamp) in view of U.S. Patent No. 3,048,741 (Thouret). Claim 2 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Emmelkamp and Thouret in view of U.S. Patent No. 4,340,843 (Anderson). Claims 3-4 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Emmelkamp and Thouret in view of U.S. Patent No. 4,287,454 (Feuersanger). Claims 9-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Emmelkamp and Thouret in view of U.S. Patent No. 4,309,616 (Wolff). Claims 8 and 12-13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Emmelkamp and Thouret in view of U.S. Patent No. 4,3283,661 (Dotty) and an article entitled "Non-Coherent Near Infrared Radiation Protects Normal Human Dermal Fibroblasts from Solar Ultraviolet Toxicity" (Menevez). It is respectfully submitted that claims 1-13 are patentable over Emmelkamp, Thouret, Anderson, Feuersanger, Wolff,

Dotty and Menezes for at least the following reasons.

Emmelkamp is directed to a tanning apparatus comprising a table part 1 and a hand part 7, shown in FIG 1. The hand part includes a lamp 12, as recited on column 3, lines 25-26. As specifically recited on column 1, lines 47-48 "the ballast circuit is accommodated in a table part." That is, the Emmelkamp lamp and ballast are in different parts of the lamp, namely, in the lamp in the hand part and the ballast in the table part. Further, as correctly noted by the Examiner, Emmelkamp does not disclose or suggests an incandescent lamp included in the ballast. Thouret is cited in an attempt to remedy the deficiencies in Emmelkamp.

Thouret is directed to an arc lamp with a self-ballasted arc tube. As shown in FIG 1A and described on column 3, lines 14-15, the Thouret lamp has an arc chamber 19 and an incandescent filament ballast chamber 21. As clearly shown in FIG1 A and described on page 1, line 25 to page 2, line 3 of the present application, the lamp tungsten filament ballast is integrated with the arc lamp in the Thouret lamp using the same glass tube 10 to form both the arc chamber 19 and a filament ballast chamber 21.

It is respectfully submitted that Emmelkamp, Thouret, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

at least one incandescent lamp separate from the at least one gas discharge lamp, wherein said at least one incandescent lamp is included in said at least one ballast, said at least one incandescent lamp and said at least one gas discharge UV lamp being included in a reflector.

There is simply no disclosure or suggestion in Emmelkamp, Thouret, and combination thereof, of an incandescent lamp separate from the gas discharge lamp, where both lamps included in the same reflector, as recited in independent claim 1. Rather, the Emmelkamp lamps are in different parts, namely, the hand and the table parts, while the Thouret arc lamp is integrated with the incandescent lamp. Anderson, Feuersanger, Wolff, Dotty and Menevez are cited to allegedly show other features and do not remedy the deficiencies in Emmelkamp and Thouret.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims

PATENT

Serial No. 10/573,740

Amendment in Reply to Office Action of September 17, 2008

2-13 are also allowable at least based on their dependence from amended independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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